IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT APPLICATION OF:	Hannes EBERLE *et al.*
SERIAL NO.:	09/661,375
ATTORNEY DOCKET NO:	067220-0312764 (*23453-020*)
FILING DATE:	September 13, 2000
ART UNIT :	2654
EXAMINER	Martin Lerner
FOR:	SYSTEM AND METHOD FOR THE CREATION AND AUTOMATIC DEPLOYMENT OF PERSONALIZED, DYNAMIC AND INTERACTIVE VOICE SERVICES, WITH SYSTEM AND METHOD THAT ENABLE ON-THE-FLY CONTENT AND SPEECH GENERATION

APPELLANTS' BRIEF ON APPEAL UNDER 37 C.F.R. §41.37

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Dear Sir:

Further to the Notice of Appeal filed on **May 10, 2005**, Appellants respectfully submit Appellants' Brief on Appeal pursuant to 37 C.F.R. §41.37.

Appellants have filed concurrently herewith a petition for a one-month extension of time. 37 C.F.R. §1.17(a)(1). The Director is authorized to charge $620.00 to cover the $120.00 petition fee, as well as the $500.00 fee for filing an Appeal Brief pursuant to 37 C.F.R. §41.20(b)(2). The Director is further authorized to charge any additional fees that may be due, or credit any overpayment of same to Deposit Account No. 033975 (**Ref. No.**

REQUIREMENTS OF 37 C.F.R. §41.37

I.   **REAL PARTY IN INTEREST** - *37 C.F.R. §41.37(c)(1)(i)*

By virtue of the Assignment recorded November 20, 2000 at reel 011256, frame 0344, the real party in interest is Microstrategy, Incorporated.

II.   **RELATED APPEALS AND INTERFERENCES** - *37 C.F.R. §41.37(c)(1)(ii)*

The above-referenced application claims priority to U.S. Provisional Application Serial No. 60/153,222, filed September 13, 1999, entitled "SYSTEM AND METHOD FOR THE CREATION AND AUTOMATIC DEPLOYMENT OF PERSONALIZED, DYNAMIC AND INTERACTIVE VOICE SERVICES."

Microstrategy, Incorporated is further pursuing Appeals to the Board of Patent Appeals and Interferences in the cases identified below, each of which also claim priority to U.S. Provisional Application Serial No. 60/153,222, filed September 13, 1999:

(1)   U.S. Application Serial No. 09/661,377, filed 13-Sep-2000, entitled "SYSTEM AND METHOD FOR CREATING VOICE SERVICES FOR INTERACTIVE VOICE BROADCASTING." A Notice of Appeal was filed in this Application on June 13, 2005.

(2)   U.S. Application Serial No. 09/496,357, filed 02-Feb-2000, entitled "SYSTEM AND METHOD FOR PERSONALIZING INTERACTIVE VOICE BROADCASTS." A Notice of Appeal was filed in this Application on July 7, 2005.

(3)   U.S. Application Serial No. 09/454,597, filed 07-Dec-1999, entitled "SYSTEM AND METHOD FOR REAL-TIME, PERSONALIZED, DYNAMIC,

INTERACTIVE VOICE SERVICES FOR CORPORATE-ANALYSIS RELATED

INFORMATION." A Notice of Appeal was filed in this Application on May 10, 2005.

III. STATUS OF CLAIMS - *37 C.F.R. §41.37(c)(1)(iii)*

Pending: Claims 27-48 are pending.

Cancelled: Claims 1-26 have been cancelled.

Rejected: Claims 27-48 stand rejected.

Allowed: No claims have been allowed.

On Appeal: Claims 27-48 are appealed.

IV. STATUS OF AMENDMENTS - *37 C.F.R. §41.37(c)(1)(iv)*

No amendments have been filed subsequent to the mailing of the Final Office

Action on February 10, 2005 (hereinafter "Final Action").

V. SUMMARY OF CLAIMED SUBJECT MATTER - *37 C.F.R. §41.37(c)(1)(v)*

The following exemplary citations to the Specification and drawing figures are not

exclusive, as other examples of support for the claimed subject matter exist. As such, the

following citations should not be viewed as limiting.

One aspect of Appellants' invention relates to a system and method for generating

an interactive voice broadcast. *See* Specification, *e.g.*, pg. 1, lines 2-6; pg. 3, lines 3-5; pg.

6, lines 5-13; and pg. 9, lines 2-6.

According to an embodiment of the invention, at least one voice service is

provided, to which a plurality of users may subscribe, that can output personalized content

during an interactive voice broadcast. *See* Specification, *e.g.*, pg. 3, lines 10-12; pg. 21,

line 17 – pg. 22, line 13; Pg. 26, lines 10+; pg. 29, lines 10+; and FIGS. 1A and 3A. In one implementation, the "means for providing at least one voice service..." (claims 28 and 48) may comprise, for example, one or more components of Voice Service Server (16), call server (18), and/or subscription interface (20). These components comprise a system through which subscribers request data and reports in a variety of ways, and are provided with the results through an Interactive Voice Broadcast (IVB). *See* Specification, *e.g.*, pg. 39, lines 9-12; pg. 40, lines 3+; and FIGS. 3A-3C, and 8.

One aspect of Appellants' invention comprises generating content for the at least one voice service when the at least one voice service is executed. In one embodiment, the generated content may include information derived from an on-line analytical processing (OLAP) system, and the at least one voice service may be executed upon satisfaction of a predetermined condition (claim 47). *See* Specification, *e.g.*, pg. 4, line 11 – pg. 5, line 5; pg. 22, line 14 – pg. 23, line 10; pg. 43, lines 3-10; and FIGS. 1A-1C, 3A-3C, and 8. In one implementation, the "means for generating content..." (claims 28 and 48) may comprise, for example, *at least* Voice Service Server (VSS) (16). In one embodiment, VSS (16) may comprise an administrator console (161), voice service API (162), and backend server (163). *See* Specification, *e.g.*, pg. 42, lines 7-9; and FIGS. 3A-3B. Backend server (163) comprises report formatter (1631), personalization engine (1632), scheduler (1633) and SQL engine (1634). Report formatter (1631), personalization engine (1632), and scheduler (1633) operate together, utilizing the parameters entered through administrator console (161), to initiate and assemble voice services for transmission through a call server (18). *See* Specification, *e.g.*, pg. 45, lines 1-16.

In an exemplary embodiment, database system (12) and DSS server (14) may comprise an OLAP system. Database system (12) may comprise any data warehouse or

data mart as is known in the art, including a relational database management system

("RDBMS"), a multidimensional database management system ("MDDBMS") or a hybrid

system. DSS server (14) may comprise an OLAP server system for accessing and

managing data stored in database system (12). DSS server (14) may comprise a ROLAP

engine, MOLAP engine or a HOLAP engine according to different embodiments.

Specifically, DSS server (14) may comprise a multithreaded server for performing analysis

directly against database system (12). According to one embodiment, DSS server (14)

comprises a ROLAP engine known as DSS Server™ offered by MicroStrategy. *See*

· Specification, *e.g.*, pg. 39, line 13 – pg. 40, line 2; and FIG. 3A.

One aspect of Appellants' invention comprises applying subscriber-specific

personalization information for each subscriber of the at least one voice service to the

generated content, so as to personalize the generated content for each subscriber, wherein

personalized content for a subscriber is formatted into a unique active voice page

generated for the subscriber. *See* Specification, *e.g.*, pg. 5, lines 6-18; pg. 33, line 6+; pg.

36, line 18+; pg. 43, line 14+; and FIGS. 1B, 2, and 4. In one implementation, the "means

for applying subscriber-specific personalization information..." (claims 28 and 48) may

comprise, for example, *at least* call settings module (1614) and/or personalization engine

(1632). *See* Specification, *e.g.*, pg. 41, lines 13-16; pg. 43, line 14 – pg. 44, line 3; and

FIG. 3B.

One aspect of Appellants' invention comprises initiating an outbound

communication to the subscriber to establish an interactive voice broadcast with the

subscriber. *See* Specification, *e.g.*, pg. 5, line 19 – pg. 6, line 4; pg. 38, lines 1-4; and

FIGS. 1C, 3A, 3C, 8, and 9. In one implementation, the "means for initiating an

outbound communication..." (claims 28 and 48) and means for initiating an outbound

telephone call (claim 45) may comprise, for example, call server (18). Call server (18) comprises a call builder (1813) (*see* FIGS. 3C and 8) that initiates and conducts a telephone call to a user. More particularly, call builder (1813) may dial and establish a connection with a user and pass user input through to markup language parsing engine (1812). In one embodiment, call builder (1813) comprises "Call Builder" software available from Call Technologies Inc. Call builder (1813) may be used for device detection, line monitoring for user input, call session management, potential transfer of call to another line, termination of a call, and other functions. *See* Specification, *e.g.*, pg. 36, lines 3-4; pg. 47, lines 3-9; and FIGS. 3A, 3C, and 8.

One aspect of Appellants' invention comprises presenting personalized content to the subscriber from the subscriber's unique active voice page during the interactive voice broadcast. *See* Specification, *e.g.*, pg. 6, lines 5-20; and pg. 38, lines 4-12. In one implementation, the "means for presenting personalized content to the subscriber..." (claims 28 and 48) may comprise, for example, call server (18) as described above. *See* Specification, *e.g.*, pg. 46, lines 3+; and FIGS. 3A, 3C, and 8.

One aspect of Appellants' invention comprises dynamically interacting with the subscriber in real-time during the interactive voice broadcast via one or more personalized inputs embedded in the active voice page (claims 46 and 47). *See* Specification, *e.g.*, pg. 6, line 5 – pg. 7, line 4; and pg. 38, lines 4-12.

In one implementation, the "means for dynamically interacting with the subscriber..." (claim 48) may comprise, for example, *at least* user response module (1815). *See* FIG. 8. User response module (1815) comprises a module that stores user responses and passes them back to intelligence server (16). Preferably, this is done within an AVP. During a telephone call, a user may be prompted to make choices in response to

prompts by the system. Responses may be processed during or after the call, by the system

or by being passed to another application. *See* Specification, *e.g.*, pg. 48, lines 3 – 13; and

FIGS. 3C and 8.

VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL - *37 C.F.R. §41.37(c)(1)(vi)*

A.   Claims 27-28, 34-35, 37, 43-44, and 46 stand rejected under 35 U.S.C.

§102(e) as allegedly being anticipated by U.S. Patent No. 6,246,672 to Lumelsky. *See*

Final Action, pg. 2, ¶2.

B.   Claims 29-33, 36, 38-42, 45, and 47-48 stand rejected under 35 U.S.C.

§103(a) as allegedly being unpatentable over Lumelsky in view of U.S. Patent No.

6,154,766 to Yost et al. ("Yost"). *See* Final Action, pg. 5, ¶4.

VII.   ARGUMENTS - *37 C.F.R. §41.37(c)(1)(vii)*

Claims 27-28, 34-35, 37, 43-44, and 46 are not anticipated by Lumelsky for *at least*

the reason that Lumelsky does not disclose each of the claim elements of *at least*

independent claims 27-28.

The rejection of claims 29-33, 36, 38-42, 45, and 47-48 under 35 U.S.C. §103(a) is

improper for *at least* the reason that Yost does not qualify as prior art under the common

assignee exception as set forth in 35 U.S.C. § 103(c).

A.   Claims 27-28, 34-35, 37, 43-44, and 46 are patentable over Lumelsky.

The Examiner legally erred in rejecting claims 27-28, 34-35, 37, 43-44, and 46

under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,246,672 to Lumelsky

for *at least* the reason that Lumelsky does not disclose each of the claim elements of *at least* independent claims 27-28.

"A prior art reference anticipates a patent claim if the reference discloses, either expressly or inherently, all of the limitations of the claim." *Metabolite Laboratories, Inc. v. Laboratory Corporation of America Holdings*, 370 F.3d 1354, 1367, 71 U.S.P.Q. 2d (BNA) 1081, 1090 (Fed. Cir. 2004) (quoting *EMI Group N. Am., Inc. v. Cypress Semiconductor Corp.*, 268 F.3d 1342, 1350, 60 U.S.P.Q. 2d (BNA) 1423, 1429 (Fed. Cir. 2001) (citation omitted)).

1.   Independent Claims 27-28.

Independent claims 27 and 28 each recite, *inter alia*, the features of:

> applying subscriber-specific personalization information for each subscriber of the at least one voice service to the generated content, so as to personalize the generated content for each subscriber, wherein personalized content for a subscriber is formatted into a unique active voice page generated for the subscriber;
> ...
> initiating an outbound communication to the subscriber to establish an interactive voice broadcast with the subscriber; and
> ...
> presenting personalized content to the subscriber from the subscriber's unique active voice page during the interactive voice broadcast.

Lumelsky fails to disclose *at least* these features.

> a.   *Lumelsky fails to disclose applying subscriber-specific personalization information for each subscriber of the at least one voice service to the generated content, so as to personalize the generated content for each subscriber, wherein personalized content for a subscriber is formatted into a unique active voice page generated for the subscriber.*

Lumelsky fails to disclose applying subscriber-specific personalization information for each subscriber of the at least one voice service to the generated content, so as to personalize the generated content for each subscriber.

Lumelsky appears to teach generating a plurality of Composite Encoded Speech (CES)-based files via an authoring system (101) for storage in a data repository (401). CES-based files may be created via a human-authored TTS system (*e.g.*, audio produced by an operator or narrator reading text aloud is compared with speech synthesized artificially from the same text), as well as from known TTS systems where original speech is not available. *See* Lumelsky, *e.g.*, FIGS. 1 and 2A-2B; col. 10, lines 20-57; col. 12, lines 59-61; col. 13, lines 1-4; and col. 13, lines 17-38.

Subscribers can request or browse CES-based documents by placing a call from their user terminal (301) to a Personal Radio Station Server (PRSS) (201). The PRSS also maintains user (or subscriber) profiles which define topic categories of interest (*e.g.*, international news, sports news, business news) for the subscribers. *See* Lumelsky, *e.g.*, FIG. 1; col. 10, lines 63-66; and col. 19, lines 53+. Appropriate CES-based files are forwarded to a user's terminal (301) via a wired network (402) and wireless network (403). *See* Lumelsky, *e.g.*, col. 11, lines 63-65.

In the Final Action, at pgs. 3 and 11, the Examiner alleges that the topic categories of interest in the user profiles of Lumelsky (see, *e.g.*, col. 19, lines 53-58) comprise "personalized content." Appellants disagree. Retrieving content such as a CES-based file from a data repository (401) --because the CES-based file corresponds to a topic category of interest for a user-- does not mean that the CES-based file has been personalized for the user. A different user having the same topic category of interest in their user profile may, for example, receive the very same CES-based file. In this regard, while content may be

retrieved in Lumelsky based on a topic category of interest, Lumelsky does not appear to disclose that the retrieved content is personalized.

For *at least* this reason, the rejection of independent claims 27 and 28 is improper, and should be reversed.

> b. *Lumelsky fails to disclose initiating an outbound communication to the subscriber to establish an interactive voice broadcast with the subscriber.*

Lumelsky fails to disclose initiating an outbound communication to a subscriber to establish an interactive voice broadcast with the subscriber. By contrast, Lumelsky appears to require <u>users</u> to establish a session to retrieve information. *See* Lumelsky, *e.g.*, col. 10, lines 63-64; col. 11, lines 48-50; and col. 11, lines 38-42.

In particular, Appellants note col. 11, lines 48-65 of Lumelsky, which recites:

> *The user initiates a communications session* by issuing a log-on command to a control processor 317 in the user's terminal 301. The user commands can be either voice commands, which is the most appropriate method for terminals installed in a vehicle, or the user may press appropriate control keys (not shown) on the user terminal. *The processor 317 of the user terminal sends the log-on request to the PRSS 201* via a radio receiver/transmitter 312 through the wireless data network 403. The request data packet is consequently registered by the closest mobile data base station 405, and routed over the wireless data network 403, e.g., AMPS, GSM, PCS, and the wired communications network 402, e.g., Internet, to the PRSS 201. *The PRSS 201 determines a user's network address which is part of the request data package, implements a user authentication and authorization process, and forwards appropriate CES-based files to the user's terminal 301 via the wired network 402 and the wireless network 403.*

> *Emphasis Added.*

As the foregoing passage illustrates, the user in Lumelsky initiates a communication session and the PRSS 201 then forwards appropriate CES-based files to

the user's terminal. For *at least* this reason, the rejection of independent claims 27 and 28 is improper, and should be reversed.

       c.   *Lumelsky fails to disclose presenting personalized content to the subscriber from the subscriber's unique active voice page during the interactive voice broadcast.*

As recited above, Lumelsky does not appear to disclose personalizing generated content. Lumelsky also does not appear to disclose formatting personalized content into a unique active page for each subscriber and presenting personalized content to the subscriber from the subscriber's unique active voice page.

In the Final Action, at pg. 3, the Examiner recites that "...*a user's list of topics of interest defines 'a unique active voice page generated for the subscriber.'*" Appellants disagree. A "list of topics" that a user has selected while establishing a profile is not an active voice page, nor does the "list of topics" of Lumelsky appear to present personalized content to a subscriber during an interactive voice broadcast.

In the Final Action, at pg. 4, it appears as though the Examiner may also be relying on a CES file to read on Applicants' claimed active voice page. This reasoning fails, however, as claims 27 and 28 each recite that a <u>unique</u> active voice page is generated for the subscriber. Lumelsky, by contrast, does not appear to disclose generating a unique CES-based document for a subscriber. Rather, Lumelsky discloses that an unlimited number of CES-based documents are created and stored by content providers (*e.g*, col. 10, lines 54-57), and that subscribers may use various search and browsing methods for automatically and manually obtaining CES-based files. *See* Lumelsky, *e.g.*, col. 11, lines 5-47. Lumelsky further discloses using a cache (*e.g*, col. 20, lines 25-52) to facilitate

retrieval of the <u>same</u> data for multiple users. For *at least* this reason, the rejection of independent claims 27 and 28 is improper, and should be reversed.

For *at least* the reason that Lumelsky fails to disclose each and every element of independent claims 27 and 28, as described above, Applicants submit that the rejection of claims 27 and 28 under 35 U.S.C. §102(e) is improper and should be withdrawn.

2.   <u>Dependent Claims 34-35, 37, 43-44, and 46.</u>

Dependent claims 34-35 and 37 are allowable because they depend from allowable independent claim 27, as well as for the further limitations they contain. Similarly, dependent claims 43-44 and 46 are allowable because they depend from allowable independent claim 28, as well as for the further limitations they contain.

a.   ***Claims 34 and 43.***

Dependent claims 34 and 43 further recite "...wherein the active voice page comprises a markup language document." As recited above with regard to the rejection of independent claims 27 and 28, Lumelsky does not appear to disclose active voice pages. As such, the rejection of dependent claims 34 and 43 is also improper, and should be reversed, as these claims further define active voice pages.

b.   ***Claims 35 and 44.***

Dependent claims 35 and 44 further recite "...wherein the active voice page further comprises at least one input element for requesting input from the subscriber during the interactive voice broadcast." As recited above with regard to the rejection of independent

claims 27 and 28, Lumelsky does not appear to disclose active voice pages. As such, the rejection of dependent claims 35 and 44 is also improper, and should be reversed, as these claims further define active voice pages.

<div align="center">c.   <i>Claims 37 and 46.</i></div>

Dependent claims 37 and 46 further recite "...dynamically interacting with the subscriber in real-time during the interactive voice broadcast via one or more personalized inputs embedded in the active voice page." As recited above with regard to the rejection of independent claims 27 and 28, Lumelsky does not appear to disclose active voice pages. As such, the rejection of dependent claims 37 and 46 is also improper, and should be reversed, as these claims further define active voice pages.

B.   Claims 29-33, 36, 38-42, 45, and 47-48 are Patentable Under 35 U.S.C. §103(a).

The Examiner legally erred in rejecting claims 29-33, 36, 38-42, 45, and 47-48 under 35 U.S.C. §103(a) over Lumelsky in view of U.S. Patent No. 6,154,766 to Yost *et al.* ("Yost"). The rejection of claims 29-33, 36, 38-42, 45, and 47-48 is improper for *at least* the reason that Yost does not qualify as prior art under the common assignee exception as set forth in 35 U.S.C. § 103(c).

35 U.S.C. §103(c) recites:

> Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Further, MPEP §706.02(l)(1) recites:

Effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention "were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." This change to 35 U.S.C. 103(c) applies to all utility, design and plant patent applications filed on or after November 29, 1999, including continuing applications filed under 37 CFR 1.53(b), continued prosecution application filed under 37 CFR 1.53(d), and reissues.

Yost qualifies under 35 U.S.C. §102(e). Further, at the time the claimed invention disclosed in this patent application was made, both Yost and the claimed invention were assigned (or subject to an obligation of assignment) to Microstrategy, Inc. In addition, the instant application was filed on September 13, 2000, after the November 29, 1999 effective date. Therefore, the common assignee exception applies. For *at least* these reasons, the rejection of claims 29-33, 36, 38-42, 45, and 47-48 is improper and should be reversed.

VIII.   CLAIMS APPENDIX - *37 C.F.R. §41.37(c)(1)(viii)*

The pending claims (claims 27-48) are attached in the Appendix.

IX.   EVIDENCE APPENDIX - *37 C.F.R. §41.37(c)(1)(ix)*

None.

X.   RELATED PROCEEDINGS APPENDIX - *37 C.F.R. §41.37(c)(1)(x)*

None.

CONCLUSION

For at least the foregoing reasons, Appellants request that the rejection of claims 27-48 be overturned and the case passed to issue.

Date: **August 10, 2005**   Respectfully submitted,

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CLAIMS APPENDIX

Claims 1-26. *cancelled*

27.   (*Previously Presented*) A method for generating an interactive voice broadcast, comprising:

providing at least one voice service, to which a plurality of users may subscribe, that can output personalized content during an interactive voice broadcast;

generating content for the at least one voice service when the at least one voice service is executed;

applying subscriber-specific personalization information for each subscriber of the at least one voice service to the generated content, so as to personalize the generated content for each subscriber, wherein personalized content for a subscriber is formatted into a unique active voice page generated for the subscriber;

initiating an outbound communication to the subscriber to establish an interactive voice broadcast with the subscriber; and

presenting personalized content to the subscriber from the subscriber's unique active voice page during the interactive voice broadcast.

28.   (*Previously Presented*) A system for generating an interactive voice broadcast,

comprising:

means for providing at least one voice service, to which a plurality of users may

subscribe, that can output personalized content during an interactive voice broadcast;

means for generating content for the at least one voice service when the at least one

voice service is executed;

means for applying subscriber-specific personalization information for each subscriber

of the at least one voice service to the generated content, so as to personalize the generated

content for each subscriber, wherein personalized content for a subscriber is formatted into a

unique active voice page generated for the subscriber;

means for initiating an outbound communication to the subscriber to establish an

interactive voice broadcast with the subscriber; and

means for presenting personalized content to the subscriber from the subscriber's

unique active voice page during the interactive voice broadcast.

29.   (*Previously Presented*) The method of claim 27, wherein the at least one voice

service is executed upon satisfaction of a predetermined condition.

30.   (*Previously Presented*) The method of claim 29, wherein the predetermined condition

is specified by a user while subscribing to the at least one voice service.

31.   (*Previously Presented*) The method of claim 29, wherein the predetermined condition

comprises a scheduled, time-based condition.

32.   (*Previously Presented*) The method of claim 29, wherein the predetermined condition

comprises a triggering event.

33.   (*Previously Presented*) The method of claim 27, wherein the generated content

includes information derived from an on-line analytical processing (OLAP) system.

34.   (*Previously Presented*) The method of claim 27, wherein the active voice page

comprises a markup language document.

35.   (*Previously Presented*) The method of claim 27, wherein the active voice page

further comprises at least one input element for requesting input from the subscriber during

the interactive voice broadcast.

36.   (*Previously Presented*) The method of claim 27, wherein initiating an outbound

communication to the subscriber comprises initiating an outbound telephone call.

37.   (*Previously Presented*) The method of claim 27, further comprising:

dynamically interacting with the subscriber in real-time during the interactive voice

broadcast via one or more personalized inputs embedded in the active voice page.

38.   (*Previously Presented*) The system of claim 28, wherein the at least one voice service

is executed upon satisfaction of a predetermined condition.

39.   (*Previously Presented*) The system of claim 38, wherein the predetermined condition is specified by a user while subscribing to the at least one voice service.

40.   (*Previously Presented*) The system of claim 38, wherein the predetermined condition comprises a scheduled, time-based condition.

41.   (*Previously Presented*) The system of claim 38, wherein the predetermined condition comprises a triggering event.

42.   (*Previously Presented*) The system of claim 28, wherein the generated content includes information derived from an on-line analytical processing (OLAP) system.

43.   (*Previously Presented*) The system of claim 28, wherein the active voice page comprises a markup language document.

44.   (*Previously Presented*) The system of claim 28, wherein the active voice page further comprises at least one input element for requesting input from the subscriber during the interactive voice broadcast.

45.   (*Previously Presented*) The system of claim 28, wherein the means for initiating an outbound communication to the subscriber comprises means for initiating an outbound telephone call.

46.   (***Previously Presented***) The system of claim 28, further comprising means for dynamically interacting with the subscriber in real-time during the interactive voice broadcast via one or more personalized inputs embedded in the active voice page.

47.   (***Previously Presented***) A method for generating an interactive voice broadcast, comprising:

providing at least one voice service, to which a plurality of users may subscribe, that can output personalized content during an interactive voice broadcast;

generating content for the at least one voice service when the at least one voice service is executed, wherein the generated content includes information derived from an on-line analytical processing (OLAP) system, and wherein the at least one voice service is executed upon satisfaction of a predetermined condition;

applying subscriber-specific personalization information for each subscriber of the at least one voice service to the generated content, so as to personalize the generated content for each subscriber, wherein personalized content for a subscriber is formatted into a unique active voice page generated for the subscriber;

initiating an outbound communication to the subscriber to establish an interactive voice broadcast with the subscriber;

presenting personalized content to the subscriber from the subscriber's unique active voice page during the interactive voice broadcast; and

dynamically interacting with the subscriber in real-time during the interactive voice broadcast via one or more personalized inputs embedded in the active voice page.

48.   (*Previously Presented*) A system for generating an interactive voice broadcast, comprising:

means for providing at least one voice service, to which a plurality of users may subscribe, that can output personalized content during an interactive voice broadcast;

means for generating content for the at least one voice service when the at least one voice service is executed, wherein the generated content includes information derived from an on-line analytical processing (OLAP) system, and wherein the at least one voice service is executed upon satisfaction of a predetermined condition;

means for applying subscriber-specific personalization information for each subscriber of the at least one voice service to the generated content, so as to personalize the generated content for each subscriber, wherein personalized content for a subscriber is formatted into a unique active voice page generated for the subscriber;

means for initiating an outbound communication to the subscriber to establish an interactive voice broadcast with the subscriber;

means for presenting personalized content to the subscriber from the subscriber's unique active voice page during the interactive voice broadcast; and

means for dynamically interacting with the subscriber in real-time during the interactive voice broadcast via one or more personalized inputs embedded in the active voice page.

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act. 2005 (H.R. 4818).

FEE TRANSMITTAL
for FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

| TOTAL AMOUNT OF PAYMENT | ($) 500 |

Complete if Known

Application Number	09/661,375
Filing Date	September 13, 2000
First Named Inventor	HANNES EBERLE
Examiner Name	Martin Lerner
Art Unit	2654
Attorney Docket No.	067220-0312764

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):_____

☒ Deposit Account   Deposit Account Number: 033975   Deposit Account Name: Pillsbury Winthrop Shaw Pittman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below   ☐ Charge fee(s) indicated below, **except for the filing fee**

☒ Charge any additional fee(s) or underpayment of fees(s) under 37 CFR 1.16 and 1.17   ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit Card Information should not be included on this form. Provide credit card Information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

	FILING FEES		SEARCH FEES		EXAMINATION FEES		
Application Type	Fee ($)	Small Entity Fee ($)	Fee ($)	Small Entity Fee ($)	Fee ($)	Small Entity Fee ($)	Fee Paid ($)
Utility	300	100	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee ($)	Fee Paid ($)		Multiple Dependent Claims	
					Fee ($)	Fee Paid ($)
_____ - 20 or HP = _____	X _____	= _____	_____		_____	_____

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 3 or HP = _____	X _____	= _____	_____

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee ($)		Fee Paid ($)
_____ - 100 =	_____ /50=	_____ (round up to a whole number) x	250.00	=	_____

4. OTHER FEE(S)

Fee Paid ($)

Non-English Specification,   130 fee (no small entity discount)   _____

Other: Brief on Appeal _____   500.00

SUBMITTED BY

| Signature | [signature] | Registration No. (Attorney/Agent) 47,429 | Telephone 703.905.2141 |
| Name (Print/Type) Bradford E. Blaise | | | Date August 10, 2005 |